

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HEATHER SPENCER,

Plaintiff,

v.

PFAU COCHRAN VERTETIS KOSNOFF  
PLLCS, a Washington company,

Defendant.

No. 2:10-CV-01582

**DEFENDANT'S ANSWER TO  
COMPLAINT**

**I. ANSWER**

In Answer to the Complaint For Damages filed by Heather Spencer ("Plaintiff"),  
Defendant Pfau Cochran Vertetis Kosnoff PLLC ("Defendant"):

1. Denies that it has wrongfully or willfully withheld overtime wages, and admits  
the remaining allegations in paragraph 1.1.

2. Admits, on information and belief, the allegations in paragraph 2.1.

3. Admits the allegations in paragraph 2.2.

4. Admits, on information and belief, the allegations in paragraph 3.1.

5. Admits the allegations in paragraph 3.2.

6. Admits the allegations in paragraph 3.3.

7. Denies that Plaintiff's action has merit, and admits the remaining allegations in

1 paragraph 3.4.

2 8. Admits, on information and belief, the allegations in paragraph 3.5.

3 9. Denies that Defendant engaged in any unlawful conduct, and admits the  
4 remaining allegations in paragraph 3.6.

5 10. Admits the allegations in paragraph 4.1.

6 11. Admits that Defendant hired Plaintiff, effective December 26, 2008, and paid her  
7 a salary, and that Cochran and Vertetis are partners and owners and had supervisory authority  
8 over Plaintiff, and denies the remaining allegations in paragraph 4.2.

9 12. Is without sufficient information to admit or deny the allegations in paragraph 4.3  
10 and, therefore, denies them.

11 13. Admits that Defendant recruited Plaintiff's services in the fall of 2008, and is  
12 without sufficient information to admit or deny the remaining allegations in paragraph 4.4 and,  
13 therefore, denies them.

14 14. Denies the allegations in paragraph 4.5.

15 15. Denies the allegations in paragraph 4.6.

16 16. Denies the allegations in paragraph 4.7.

17 17. Denies the allegations in paragraph 4.8.

18 18. Denies the allegations in paragraph 4.9.

19 19. Admits that Defendant terminated Plaintiff's employment on or about February  
20 16, 2010, and denies the remaining allegations in paragraph 4.10.

21 20. Denies the allegations in paragraph 4.11.

22 21. Admits and denies the allegations re-alleged and incorporated into paragraph 5.1  
23 as set forth above.

22. Denies the allegations in paragraph 5.2.

23. Denies the allegations in paragraph 5.3.

24. Denies the allegations in paragraph 5.4.

25. Admits and denies the allegations re-alleged and incorporated into paragraph 6.1 as set forth above.

26. Denies the allegations in paragraph 6.2.

27. Denies the allegations in paragraph 6.3.

28. Denies the allegations in paragraph 6.4.

29. Denies that Plaintiff is entitled to any of the relief set forth in the Prayer for Relief.

30. Denies each and every allegation not expressly admitted herein.

## II. DEFENSES AND AFFIRMATIVE DEFENSES

By way of further answer, Defendant states the following defenses and affirmative defenses:

1. **Exempt Status.** Defendant properly categorized Plaintiff as exempt from the overtime compensation obligation of state and federal law and properly paid her on a salaried basis.

2. **Reservation.** Defendant reserves the right to assert additional defenses and affirmative defenses to conform with the proof as discovery progresses.

WHEREFORE, having fully answered the Complaint, Defendant respectfully requests that:

1. the Complaint be dismissed with prejudice;

2. Defendant be awarded the costs, disbursements and attorneys' fees it incurs herein;

- 1           3.       Defendant be granted permission to amend the Answer to conform with the proof;  
2 and  
3           4.       Defendant be granted such other relief as this Court deems just and equitable.

4 DATED this 22nd day of October, 2010.

5 WINTERBAUER & DIAMOND PLLC

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8 Steven H. Winterbauer, WSBA #16468  
9 Fletcher B. Evans, WSBA #36607  
Attorneys for Defendant  
Pfau Cochran Vertetis Kosnoff PLLC

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

I hereby certify that on October 22, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Donald W. Heyrich  
Heyrich Kalish McGuigan PLLC  
Puget Sound Plaza  
1325 Fourth Avenue, Suite 540  
Seattle, WA 98101

DATED this 22nd day of October, 2010.



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